



Loudoun County, Virginia

Department of Planning

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August 10, 2009

Ms. Kimberlee Welsh Cummings, AICP
Walsh Colucci Lubeley Emrich & Walsh PC
One East Market Street, 3rd Floor
Leesburg, VA 20176

**RE: ZMAP 2009-0005, SPEX 2009-0009 and CMPT 2009-0001 applications
GEP/S Hybrid Energy Park**

Dear Ms. Cummings:

Thank you for submitting the Response to First Referrals dated August 3, 2009, for the above referenced applications, including the initial submission for ZMAP 2009-0005. This letter serves to inform you that the materials have been reviewed for minimum submission compliance (ZMAP and SPEX checklists), and not enough information has been provided for staff to evaluate the application. Also, many of the issues raised in first referral comments have been addressed in the written response but not on the plat set.

During the recent meeting with John Merrithew, it was agreed that the above referenced applications could continue on the timeline initiated by the larger Stonewall ZMAP application and could be circulated for second referral rather than starting over with another first referral. However, in order to do so, the following material must be provided or needs to be clarified before the application can be officially distributed for second referral.

ZMAP

1. **Existing Conditions Plat** – The Existing Conditions Plat and the Rezoning Plat over the Existing Conditions Plat are not clear enough to evaluate:
 - a. **Environmental Features Boundaries** - Clearly depict the boundaries of all of the features noted on the Existing Conditions legend. Based on the current plat set, impacts (or lack of impacts) to the floodplain, moderately steep and very steep slopes, wetlands, etc. cannot be determined.
 - b. **RSCOD** - The RSCOD is not part of the applicable Zoning Ordinance. Please replace all RSCOD labels and references to RSCOD on the plat set with the River and Stream Corridor Resources Management Buffer as defined in the Revised General Plan. Please clearly distinguish between this 50-foot management buffer and the Scenic Creek Valley Buffer. Based on the current plat set, impacts to these features cannot be determined.

2. **Rezoning Plat** - Please provide a "Rezoning Plat". On this sheet please *show the entire parcel(s) boundary and clearly demarcate the limits of the proposed rezoning*. Refer to ZMAP checklist item J. A "Zoning Tabulation Table" is referenced but not included.
3. **Concept Development Plan**
 - a. Please revisit ZMAP checklist items K 1-11 and M 1-5 and revise.
 - b. Provide the square footage and acreage of the proposed Tree Conservation Areas.
 - c. Provide the square footage and acreage of the proposed open space. Label open space as such.
 - d. Please include application number ZMAP 2009-0005.
 - e. Please replace references to "Zoning checklist notes" with "Notes".
 - f. Please revisit Zoning Administration's first referral comments relating to plat revisions and revise.
4. **Draft Proffer Statement** – Please submit a draft Proffer Statement. Draft Proffer Statements are required with second submissions.
5. **Statement of Justification** – On the Statement of Justification, there are a number of items that need to be revised:
 - a. In the introduction, please add the total acreage of the parcels that are the subject of these applications and the total acreage subject to the rezoning.
 - b. Please state that Parcels 60/38A, 60/39, 60/41, 61/13, and 61/14 are zoned Transitional Residential-10 (TR-10). Parcels 60/38 and 61/12 are split zoned TR-10 and Joint Land Management Area-20 (JLMA-20).
 - c. In addressing Section 6-1310, Issues for Consideration, please provide more specific and thorough information on items 2 (explain the specific land use conditions that make the rezoning appropriate, 3 (how is the proposed use compatible?), 4 (specify where), 6 (address how the proposal will impact/avoid the site's hydric soils), 9 (address trees and vegetation), 13, 14 (address the capacity of existing and/or planned public facilities and infrastructure), and 16 (refer to specific features on the site, summarize the findings and recommendations of the Phase I report and address the effect of the proposed rezoning on the identified archaeological sites shown in the plan set). These same comments apply to the special exception criteria for consideration.

SPEX

1. **Elevations of All Structures** – SPEX applications require front, side, and rear elevations clearly showing the appearance, dimensions, and heights of proposed structures so visual impacts can be evaluated and mitigated. Please provide.
2. **Traffic Statement** - George Phillips, Senior Transportation Planner, in the Office of Transportation Services reviews the Traffic Study for all legislative applications prior to acceptance. Please contact George Phillips at 703.777.0122 to clear the traffic statement for acceptance.
3. **Separate Special Exception Plat** - Please add to the plat set a separate sheet titled "Special Exception Plat". It is ok to have a SPEX Plat/Concept Plan, but be aware that conditions of approval for the SPEX will require substantial conformance to the SPEX Plat, and the combined document must contain all of the required information on both the SPEX and ZMAP checklists.

On the SPEX Plat sheet, please *show the entire parcel(s) boundary and clearly demarcate the limits of the proposed special exception*. Note that for the SPEX Plat, less than or equal to is not acceptable for proposed zoning tabulations.

4. Please provide on the **Special Exception Plat** sheet:

- a. Owner's names, zoning and parcel lines of all adjacent properties.
- b. Show how adjacent and neighboring properties will be protected from adverse impacts caused by the proposed use through the location and dimensions of proposed screening, fencing and/or buffer areas (What does the proposed Modified Type IV Buffer Yard consist of? Please provide a section).
- c. Show the location of any structures within 200' of the proposed project.
- d. Show the dimensions of all building and parking front, side, and rear setbacks.
- e. Include general parking areas and specific proposed screening of parking areas.
- f. Identify the proposed special exception use as "utility generating plant or transmission facility".
- g. Include a Note that the property is governed under the Revised 1993 Zoning Ordinance.
- h. Include a Note to demonstrate Zoning Ordinance compliance for lighting, signage, and noise.

Once this information is revised and provided, please submit 35 hard copies of the revised plat package (as the Town of Leesburg has requested 9 copies) and 35 copies of the elevations of proposed structures, the revised Statement of Justification, and the Draft Proffer Statement. Additionally, please submit in electronic format (Adobe/pdf format) the plat package, Proffer Statement, reports, statement of justification, response to first referrals, the Forest Management Plan and Cover Type study referenced in the plat set, and other submitted documents. I look forward to continuing to work with you on this project. Should you have any questions regarding the review and processing of your application, please contact me at 703-771-5784 or by email at judi.birkitt@loudoun.gov.

Sincerely,



Judi McIntyre Birkitt, Senior Planner
Project Manager

cc: John Merrithew, Assistant Director, Department of Planning
Van Armstrong, Land Use Review Program Manager, Department of Planning